

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

TERRY SZYMANSKI,

Plaintiff,

v.

CIVIL ACTION NO. 15-cv-11621

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

**MEMORANDUM OPINION AND ORDER**

On July 29, 2015, the Plaintiff filed a Complaint (Document 1) in this matter. By Standing Order (Document 2) entered on August 10, 2015, the action was referred to the Honorable R. Clarke VanDervort, United States District Judge. On September 1, 2015, the Plaintiff submitted to this Court of proposed findings of fact and recommendation in opposition, pursuant to 28 U.S.C. § 636.

On September 21, 2015, Magistrate Judge [redacted] issued a *Proposed Findings and Recommendation* (Document 3) wherein it is recommended that the Court dismiss the Plaintiff's Complaint and remove the matter from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by October 8, 2015, and none were timely filed.


The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file

timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, **ORDERS** that the Plaintiff's Complaint (Doc. 1) be **DISMISSED** and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and the represented parties.

ENTERED October 16, 2015

  
E.C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA